UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,034	04/10/2001	Sudesh Kamath	ORCL5665CIP (OID-2000-128	8354

22430 7590 04/23/2002

YOUNG LAW FIRM
A PROFESSIONAL CORPORATION
4370 ALPINE ROAD SUITE 106
PORTOLA VALLEY, CA 94028

EXAMINER	
VIG, NARESH	

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

P1A

Office Action Summary	Application No. 09/833,034	Applicant(s) EVANS ET AL.	
	Examiner Naresh Vig	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *10 April 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 69* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 2, 4 – 25, 27 – 48, 50 – 69 are rejected under 35 USC § 102 as being unpatentable over Hartman et al. U.S. Patent 5,906,411.

Regarding claims 1 and 24, Hartman et al. discloses a method and system for placing an order to purchase an item via the Internet. The order is placed by a purchaser at a client system and received by a server system. When single-action ordering is enabled, the server system generates a Web page describing an item as is conventionally done and then adds a single-action ordering section. The server system receives the request and combines the purchaser information associated with the client identifier of the client system to generate an order to purchase the item in accordance

with the billing and shipment information whereby the purchaser effects the ordering of the product by selection of the order button. The server system can also generate a standard shopping cart-type Web page for the item.

Also, Hartman et al. discloses that a server system may comprise any combination of hardware or software that can generate orders in response to the single action being performed. The server includes a server engine, databases etc.

Regarding claims 2 and 25, Hartman et al. disclose a system and method where the purchaser selects an item from the electronic catalog, the server computer system adds that item to a shopping cart. When the purchaser is done selecting items, then all the items in the shopping cart are "checked out".

Regarding claims 4, 5, 27 and 28, Hartman et al. discloses that a computer system may provide an electronic version of a catalog that lists the items that are available. A user, who is a potential purchaser, may browse through the catalog using a browser and select various items that are to be purchased.

Regarding claims 6 and 29, Hartman et al. discloses that to help minimize shipping costs and purchaser confusion, the server system may combine various single-action orders into a multiple-item order. For example, if a purchaser orders one item

using the single-action ordering and five minutes later orders another item using the single-action ordering, then those orders may be cost effectively combined into a single order for shipping. The server system combines the single-action orders when their expected ship dates are similar. For example, if one item is immediately available and the other item will be available in one day, then the two single-action orders may be cost-effectively combined. However, if the other item will not be available for two weeks, then the two single-item orders would not be combined. Also, the server system may combine or divide orders when the orders are scheduled for shipment based on the then current availability of the items ordered.

Regarding claims 7 and 30, Hartman et al. does not disclose using different identifiers for a product. However, It is notoriously known that in businesses identify their products using multiple unique identifiers to meet customer requirements. For example, a telecommunication customer can use vendor provided product number or a CLEI code when ordering a product from a vendor.

Regarding claims 8 and 31, Hartman et al. discloses that the server system receives the request and combines the purchaser information associated with the client identifier of the client system to generate an order to purchase the item in accordance with the billing and shipment information whereby the purchaser effects the ordering of

the product by selection of the order button. The purchaser-specific order information may include the purchaser's name, the purchaser's credit card number, and a shipping address for the order. The server computer system then typically confirms the order by sending a confirming Web page to the client computer system. Also, purchasers can verify their stored address information.

Regarding claims 9 and 32, Hartman et al. does not disclose to leave the order in pending state until the consolidation interval has elapsed. However, Hartman et al. discloses that a purchaser can cancel the order within a time period of placing the order (for example 90 minutes as used in Fig 1A). Also, Hartman et al. gives the user the opportunity to view and modify the single-action orders. It is obvious at the time of applicants invention to a person with ordinary skill in the art to modify Hartman et al. and make new orders as firm order at fixed intervals (for example every hour or every 4 hours etc.) to make the fulfillment center more efficient by executing a batch program at specific times to arrange the orders in groups for shipping and save on expenses (for example personnel, fork lifts etc.).

Regarding claims 10 and 33, Hartman et al. discloses that after the purchaser selects the single-action ordering button, the client system sends a message to the server system requesting that the displayed item be ordered. The server system

processes the message and provides to the client system a new Web page that confirms receipt of the single-action order. The confirming Web page contains essentially the same information as the Web page describing the item.

Regarding claims 11, 17, 34 and 40, Hartman et al. discloses that a purchaser can cancel the order within a time period of placing an order (for example within 90 minutes as used in Fig 1A). It is inherent that the order placed is in pending state to give the purchaser a chance to cancel the order before it is scheduled for fulfillment.

Regarding claims 12, 13, 35 and 36, Hartman et al. gives the user opportunity to view and modify the short-term and long-term single-action orders. Hartman et al. does not distinguish type of users. It is inherent that the users can be customers, sales representative, order entry personnel etc. For example an order entry personnel or a sales representative can place a telephone order on behalf of a customer who does not have online access to Hartman et al.

Regarding claims 14 – 16 and 37 – 39, Hartman et al. discloses that a purchaser can cancel the order within a time period of placing an order (for example within 90

minutes as used in Fig 1A). It is inherent that Hartman et al. times all the orders confirmed by the customer.

Regarding claims 18 – 20 and 41 – 43, Hartman et al. discloses that the selection of the various items from the electronic catalogs is generally based on the "shopping cart" model. When the purchaser selects an item from the electronic catalog, the server compute system metaphorically adds that item to a shopping cart. When the purchaser is done selecting items, then all the items in the shopping cart are "checked out" (i.e., ordered) when the purchaser provides billing and shipment information.

Hartman et al. does not disclose the automatic checking out of the shopping cart. However, Hartman et al. discloses that in some models, when a purchaser selects any one item, then that item is "checked out" by automatically prompting the user for the billing and shipment information, and, to minimize shipping costs and purchaser confusion, the server system may combine various single-action orders into a multiple-item order. For example, if a purchaser orders one item using the single-action ordering and five minutes later orders another item using the single-action ordering, then those orders may be cost effectively combined into a single order for shipping. The server system combines the single-action orders when their expected ship dates are similar.

Regarding claims 21 and 44, Hartman et al. discloses that a purchaser can cancel the order within a time period of placing an order (for example within 90 minutes as used in Fig 1A) to give the purchaser a chance to cancel the order before it is scheduled for fulfillment.

Regarding claims 22, 23, 45 and 46, Hartman et al. discloses that the server computer system confirms the order by sending a confirming Web page to the client computer system and schedules shipment of the items. It is notoriously known that online retailers like Amazon.com, BestBuy.com etc. send an email confirmation to the purchaser confirming the receipt of the order.

Regarding claims 47, 48, 50 – 69, Hartman et al. does not disclose machine readable medium. However, It is inherent that the Hartman et al. has a machine readable medium for storing data and application program to run the computer system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 26 and 49 are rejected under 35 USC § 103(a) as being unpatentable over Hartman et al. U.S.Patent 5,960,411 in view of Bezos et al. U.S. Patent 6,029,141.

Regarding claims 3, 26, Hartman et al. does not disclose to creating a list for later retrieval and use. Bezos et al. discloses that the information stored within the shopping cart includes a list of the products that have been selected by the customer for prospective purchase, together with an identifier of the referring associate (if any) corresponding to each such product. Each shopping cart persists on the site for an extended period of time (such as one week) following the most recent access by the customer, allowing the customer to conduct extended shopping sessions. It is obvious at the time of applicant's invention to a person with ordinary skill in the art to modify Hartman et al. as taught by Bezos et al. by creating a list for later retrieval to display the items selected earlier by the customer as items to be included in the purchase, and also to use the data stored in the selection list to anticipate customer requirements and have efficient inventory management.

Regarding claim 49, Hartman et al. does not disclose machine readable medium. However, It is inherent that the Hartman et al. has a machine readable medium for storing data and application program to run the computer system.

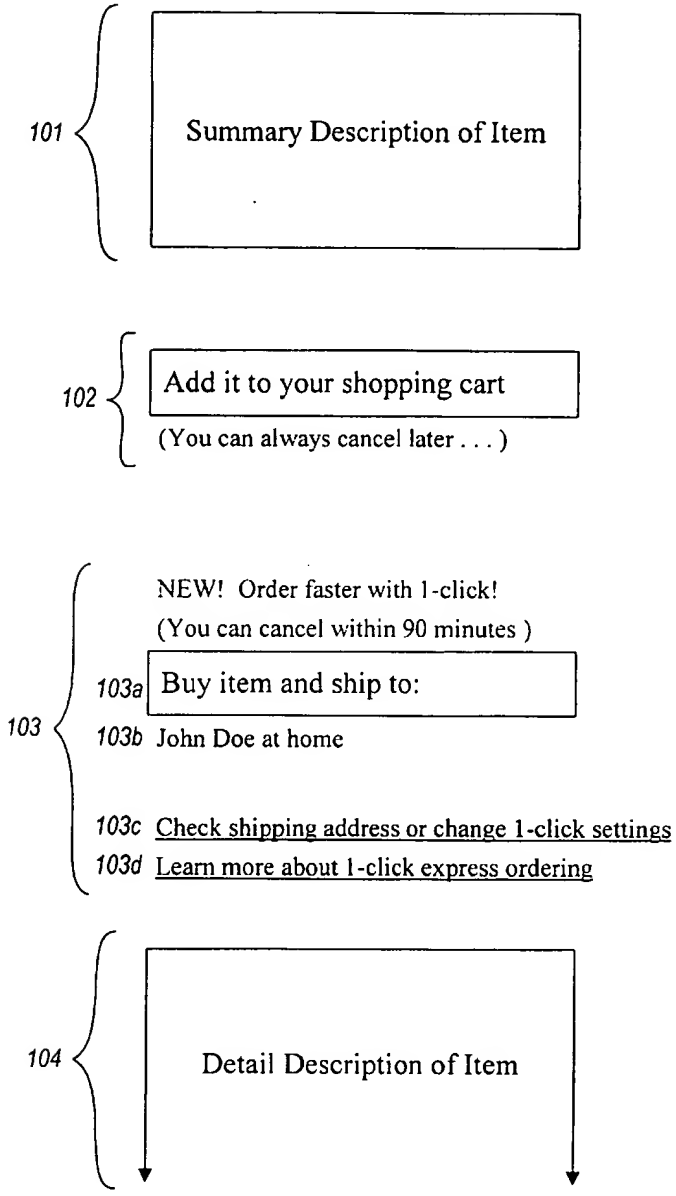
101
Summary Description of Item
102
Add it to your shopping cart
(You can always cancel later . . .)
103
NEW! Order faster with 1-click!
(You can cancel within 90 minutes)
103a
Buy item and ship to:
103b John Doe at home
103c Check shipping address or change 1-click settings
103d Learn more about 1-click express ordering
104
Detail Description of Item

Fig. 1A

105

Thank you for your 1-click order!

A quantity of 1 of [the item] will be shipped to you as soon as possible. We will do our best to minimize your shipping costs by combining your 1-click orders into as few shipments as possible.

Please continue browsing.

Review or change your 1-click orders

101

Summary Description of Item

Fig. 1B

Summary of 1-Click Express Orders

Press this button if you Changed Quantities of any item below. If you don't press it, your changes won't "stick." You can set the quantity to 0 (zero) to cancel an item.

The 1-click orders below (available in 3 or fewer days) will be shipped together.

106

Order # 098337

1	Item 1	$10.00
1	Item 2	$15.00
	Total	$25.00

The 1-click orders below (available in one week or more) will be shipped together.

107

Order # 098336

1	Item 3	$20.00
1	Item 4	$ 6.00
	Total	$26.00

108

Ship to:	John Doe at home
Shipment Method:	Standard Domestic Shipping
Payment Method:	****_****_***1_2345

Continue Shopping

1-Click Express shipping policies

Fig. 1C

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Hartman et al. U.S. Patent 5,960,411 discloses Method And System For Placing A Purchase Order Via A Communications Network.
2. Bezos et al. U.S. Patent 6,029,141 discloses Internet-Based Customer Referral System.
3. Information on Common Language Equipment Code (CLEI Code).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703.746.7239 for regular communications and 703.746.7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

***

April 16, 2002

WYNN COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100